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To: Commissioner for Patents for Examiner Rexford N. Barnie Group Art Unit 2643	Facsimile No.: 703/872-9306
From: Michele Morrow Legal Assistant to Francis Lammes	No. of Pages Including Cover Sheet: 16
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Response to Office Action.	
Re: Application No. 09/942,797 Attorney Docket No: AUS920010453US1	
Date: Friday, December 17, 2004	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Himmel et al.**Serial No.: **09/942,797**Filed: **August 30, 2001**For: **Proximity-Based Mobile
Telephone Billing Intervention**§
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§Group Art Unit: **2643**Examiner: **Barnie, Rexford N.**Attorney Docket No.: **AUS920010453US1****35525**PATENT TRADEMARK OFFICE
CUSTOMER NUMBERCertificate of Transmission Under 37 C.F.R. § 1.8(a)I hereby certify this correspondence is being transmitted via
facsimile to the Commissioner for Patents, P.O. Box 1450,
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on December 17, 2004.

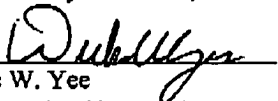
By:


Michele MorrowTRANSMITTAL DOCUMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Sir:
ENCLOSED HEREWITH:

- Response to Office Action.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,


Duke W. Yee
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ATTORNEY FOR APPLICANTS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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§ Attorney Docket No.: **AUS920010453US1**
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9306, on December 17, 2004.

By:


Michele Morrow**RESPONSE TO OFFICE ACTION**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No: 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

In response to the Office Action dated October 1, 2004, please consider the following without amendments:

Listing of the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.